

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
C.R. CUSHING & CO., INC.,

Petitioner,

JULY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: 7/23/09  
FED. ED. #:

-against-

09 Civ. 4836 (LAK)

PEARL SEA CRUISES, LLC,

Respondent.

-----x

**ORDER**

LEWIS A. KAPLAN, *District Judge*.

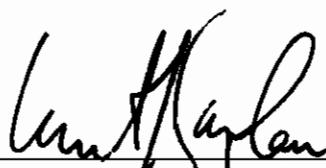
Respondent's motion to dismiss the petition [docket item 4] is granted.

The agreement between the parties contemplated arbitration under the Rules of the Society of Maritime Arbitrators. Those Rules permit, but do not require, the parties to designate arbitrators who are members of the Society. While respondent has not appointed such a member, it concededly has appointed its arbitrator. Accordingly, there is no basis whatever for the petition.

The Clerk shall close the case.

SO ORDERED.

Dated: July 23, 2009



Lewis A. Kaplan  
United States District Judge